

# **BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS**

## **AMENDED REGULAR MEETING AGENDA**

### **PAGE 4**

**NOVEMBER 5, 2008**

## **7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**\_\_\_\_\_

**PRAYER**\_\_\_\_\_

**APPROVAL OF THE MINUTES OF THE  
REGULAR MEETING OF OCTOBER 22, 2008**\_\_\_\_\_

**ITEMS NOT ON THE AGENDA  
SUSPENSION OF THE RULES**\_\_\_\_\_

**PUBLIC COMMENT ON ANY  
PUBLIC MATTER NOT ON THE AGENDA**\_\_\_\_\_

**CHIEF EXECUTIVE'S REPORT**\_\_\_\_\_

### **SECTION I PUBLIC HEARING**

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS FROM THE MONTANA DEPARTMENT OF COMMERCE. (Communication No. 08-710 being held in Committee of the Whole) Proof of publication

### **SECTION II PUBLIC HEARING**

FOR THE PURPOSE OF AMENDING THE BUDGET TO CREATE BUDGETARY AUTHORITY IN THE OFFICE OF THE CLERK AND RECORDER. (Communication No. 08-699 being held in Committee of the Whole) Proof of publication.

### **SECTION III CONSENT AGENDA**

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

**B. PETITIONS**

1. 08-13 John Harrington, Building Official, requesting on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East Galena Street and the alley between Ohio and Oklahoma Streets in Block 3, Yellow Jack Lode. **Recommendation: refer to Public Works Committee**

**C. COMMUNICATIONS**

1. 08-723 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
2. 08-724 Lee Phillips, Library Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 08-725 John P. Walsh, Sheriff, requesting waiver of sick leave grant requirement and approval to utilize the 160 hours of donated time to Peggy Leary. **Recommendation: refer to Personnel Committee.**
4. 08-726 Karen Byrnes, Community Development Department Director, requesting authorization for Chief Executive to enter into subordination agreement with Wells Fargo Bank regarding Barbara J. Krum. **Recommendation: refer to Finance and Budget Committee.**
5. 08-727 Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
6. 08-728 Chuck Carrig, Historic Preservation Officer, requesting authorization for Chief Executive to sign SHPO PA Grant contract for 2008-2009 Fiscal Year. **Recommendation: concur and place on file.**
7. 08-729 Karen Byrnes, Community Development Department, requesting authorization for Chief Executive to enter into Change Order No. 1 and Change Order No. 2 for CDBG Butte Emergency Food Bank Rehab Project. **Recommendation: concur and place on file.**
8. 08-730 Karen Byrnes, Community Development Department, requesting

authorization for Chief Executive to enter into the Homeowner Deferred Repayment Assistance Agreement and the Housing Rehabilitation Lien Agreement. **Recommendation: refer to Finance and Budget Committee.**

9. 08-731 Bob Rowling, Parks and Recreation Director, requesting concurrence in changes to 2009 golf rates at Highland View Golf Course. **Recommendation: concur and place on file.**
10. 08-732 Bob Rowling, Parks and Recreation Director, requesting concurrence in renewing contract with John DeWitt as Manager of Highland View Golf Course Club House and requesting County Attorney draw up new contract. **Recommendation: refer to Committee of the Whole pending draft of new contract.**
11. 08-733 Mollie A. Mafei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of city-County's open space plan. **Recommendation: refer to Parks And Recreation Board for comment and hold in Committee Of the Whole.**
12. 08-734 Lisa Lean-Anzic, Administrative Assistant Extension service, requesting authorization for Chief Executive to enter into a maintenance contract with Lee's Office City for Lanier Copier **Recommendation: concur and place on file.**
13. 08-735 Jon C. Sesso, Planning Director, requesting authorization for Chief Executive to sign the construction agreement with Sullway Construction for Welcome Monuments Project. **Recommendation: concur and place on file.**
14. 08-736 Roger Ebner, Disaster and Emergency Services, requesting approval to schedule a public hearing for 11/25/08 to consider amending 2008-2009 budget for unanticipated revenue for District Courts Security Project Grant. **Recommendation: Schedule public hearing and hold in Committee of the Whole.**
15. 08-737 Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
16. 08-738 Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and and also speed limit signage be posted on both roads.

**Recommendation: refer to Public Works Committee.**

17. 08-739 Brad Johnson, Speaker of the House, regarding resignation of Representative Jim Keane, District 75 and requesting council meet to choose new representative. **Recommendation: refer to Committee of the Whole.**
18. 08-740 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign Commercial Lighting Rebate Application Form from Northwestern Energy. **Recommendation: concur and place on file.**
19. 08-741 Gary Keeler, Landfill Manager, requesting authorization for Chief Executive to execute agreement with Hollow Contracting for supplying gravel for entrance to new Phase 3 landfill. **Recommendation: concur and place on file.**
20. 08-742 Dan Dennehy, Interim Public Works Director, requesting authorization for Chief Executive to enter into contract with MDOT for improving Front from Montana Street to Utah Street. **Recommendation: concur and place on file.**
21. 08-743 Karen Byrnes, Director, requesting authorization for Chief Executive to sign contract with Montana Home Improvement, Inc. **Recommendation: concur and place on file.**
22. 08-744 Stephen D. Hess, Assistant Planning Director, requesting Conditional approval of the Preliminary Plat of Buffalo Estates Subdivision Phase I. **Recommendation: approve and place on file.**
23. 08-745 Lee Phillips, Library Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
24. 08-746 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign grant application to the U.S. Environmental Protection Agency. **Recommendation: concur and place on file.**
25. 08-747 Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns – Caledonia Street to Western Street.. **Recommendation: refer to Public Works Committee.**
26. 08-748 Bill Melvin, Civic Center Manager, requesting time on 11/25/08 to conduct a bid opening for Energy Conservation upgrade at Butte Civic Center. **Recommendation: schedule bid opening and Hold in Committee of the Whole.**

## **SECTION IV**

### **ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY**

#### **1. COUNCIL RESOLUTION NO. 08-92**

A RESOLUTION ACCEPTING THE DONATION OF THE WEST 60 FEET OF LOTS NUMBERED TWO (2) AND THREE (3) IN BLOCK NUMBERED TWO OF THE WALKERVILLE TOWNSITE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### **2. COUNCIL RESOLUTION NO. 08-93**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE I THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

## **SECTION V**

### **ORDINANCES AND RESOLUTIONS FINAL READING**

#### **1. COUNCIL BILL NO. 08-5 ORDINANCE NO. 08-5**

AN ORDINANCE AMENDING SECTION 2 OF THE BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

#### **2. COUNCIL BILL NO. 08-6 ORDINANCE NO. 08-**

AN ORDINANCE AMENDING ORDINANCE NO. 479 AND CHAPTER 3.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED” CONTRACT PURCHASES”; AMENDING SECTIONS 3.12.012 AND 3.12.030, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 3.12.013, B-SB MC AND ENTITLED “PURCHASE REQUIREMENTS”; ADDING A NEW SECTION TO BE NUMBERED 3.12.014, B-SM MC AND

ENTITLED "MISTAKES AND MINOR VARIATIONS IN BIDS AND OFFERS: AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION                      CALENDAR OF OTHER MEETINGS AND EVENTS**

Nov. 10	Archives	Noon	Archives Center
Nov 11	Housing Authority	5:30PM	Silver Bow Homes Housing
Nov. 12	Library	5PM	Library
Nov. 12	Fair Board	5:30PM	Business Development Center
Nov. 12	Fire Advisory Council	5PM	1st Floor Conference Room
Nov. 12	Law Enforcement Commission	4PM	Chief Executive's Conference Room
No. 17	Airport Authority	Noon	Bert Mooney Airport
Nov. 18	Parks & Recreation	4:15 PM	Civic Center Conference Room
Nov. 18	Technical Review Committee	1:30PM	Water Company Building
Nov. 19	Community Enrichment	10:00AM	Health Department
Nov. 19	Parking Commission	2:30PM	Chief Executive's Conference Room
Nov. 20	Zoning Board	5:30PM	Council Chambers

**ADJOURN**\_\_\_\_\_

# COMMITTEE OF THE WHOLE MEETING REPORT

## OCTOBER 29, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

### SECTION I INVITATION FOR BIDS

SEALED BIDS ARE HEREBY INVITED FOR THE COMMUNITY WELCOME MONUMENTS. **(Communication No. 08-640) Proof of publication was noted and placed on file.**

The following bids were opened:

Sullway Construction	\$68,092.00
Markovich Construction	\$106,900.00

The bids were referred to the Planning Department for Review and report back to Council.

### SECTION I-A COMMUNICATION NO. 08-274

Jon Sesso, Planning Director, time on 4/16/08 for a staff presentation on Draft Plan for Long-Term Future of the Natural Resource Damage Program. ***Committee recommends that Communication No. 08-274 be held in abeyance.***

### SECTION II COMMUNICATION NO. 08-519

Deyda Gonzalez and Mark T. Redwine, requesting help and guidance in forming the Montana Latino-Hispanic Historical Heritage and Cultural Preservation Society. ***Committee recommends that Communication No. 08-519 be placed on file.***

### SECTION III COMMUNICATION NO. 08-640

Jon C. Sesso, Planning Director, requesting authority to advertise bid to construct Butte Welcome Monuments Project and schedule bid opening for 10/8/08. ***Committee recommends that Communication No. 08-640 be placed on file.***

#### SECTION IV

#### COMMUNICATION NO. 08-654

Rob Macioroski, Director Land Records, requesting authorization for Chief Executive to sign survey for High Service Reservoir and direct County to prepare the resolution and deed for transfer of additional land from Shane Hollingsworth to Butte-Silver Bow. ***Committee recommends that Communication No. 08-654 be cross referenced with Council Resolution No. 08-97 and place on file. Also approve and authorize Chief Executive to sign survey for High Services Reservoir.***

#### SECTION V

#### COMMUNICATION NO. 08-685

Dr. Alex Philp, Chairman and President, requesting time on the 10/15/08 agenda to present a proposal and funding request from the Rocky Mountain Supercomputer Center, Inc. ***Committee recommends that Communication No. 08-685 be held in abeyance.***

#### SECTION VI

#### COMMUNICATION NO. 08-687

Bill Melvin, Civic Center Manager, requesting time on 10/22/08 agenda for opening of a Request for Qualifications of Architectural/Engineering Services to two elevators at the Courthouse. ***Committee recommends that Communication No. 08-687 be placed on file.***

#### SECTION VII

#### COMMUNICATION NO. 08-689

Paul Buckley, requesting Water System Regulations definition of “service line” be amended. ***Committee recommends that Communication No. 08-689 be held in abeyance.***

#### SECTION VIII

#### COMMUNICATION NO. 08-702

Rob Macioroski, Director Land Sales Office, requesting time on 11/19/08 agenda to conduct a public hearing for redevelopment of co-owned property in the 400 block of E. Park Street. ***Committee recommends that Communication No. 08-702 be held for public hearing.***

#### SECTION IX

#### COMMUNICATION NO. 08-703

Rob Macioroski, Director Land Sales Office, requesting time on 11/19/08 agenda to conduct a public hearing for redevelopment of co-owned property located in 100 block of Caledonia Street. ***Committee recommends that Communication No. 08-703 be held for public hearing.***



## SECTION X

### COMMUNICATION NO. 08-710

Karen Byrnes, Director Community Development Department, requesting time on 11/5/08 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget. ***Committee recommends that Communication No. 08-710 be held for public hearing.***

## SECTION XI

### COMMUNICATION NO. 08-708

Ed Randall, Community Enrichment Program Manager, requesting time on 10/22/08 agenda for approval for Butte-Silver Bow to assume ownership of 1622 N. Main Street in Walkerville and demolish the building. ***Committee recommends that Communication No. 08-708 be placed on file.***

## SECTION X

### COMMUNICATION NO. 08-699

Mary M. McMahon, Clerk and Recorder, requesting time on 11/5/08 Agenda to conduct a public hearing for the purpose of amending the Budget to create budgetary authority in the office of the Clerk and Recorder. ***Committee recommends that Communication No. 08-699 Be held for public hearing.***

# **FINANCE & BUDGET COMMITTEE MEETING REPORT OCTOBER 29, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, Your Finance and Budget Committee, respectfully recommend as follows:

## **SECTION I COMMUNICATION NO. 08-678**

Rick Larson, Director of Public Health, requesting approval of line item budget transfers. ***No recommendation was given on 10/29/08.***

## **SECTION II COMMUNICATION NO. 08-697**

Sharon Crase, Public Works Department, requesting approval of line item budget transfers. ***Committee recommends that Communication No. 08-697 be approved and placed on file.***

## **SECTION III COMMUNICATION NO. 08-698**

Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. ***Committee recommends that Communication No. 08-698 be approved and placed on file.***

## **SECTION IV EXPENDITURE APPROVAL**

<b>10/29/08</b>	<b>\$1,351,183.93</b>
-----------------	-----------------------

**Committee recommends approval of the above expenditure Approval.**

# JUDICIARY COMMITTEE MEETING REPORT

## OCTOBER 29, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

**SECTION I** **COMMUNICATION NO. 08-421**

Micheline Boyza, VP Highland View Golf Club, requesting council consider an application for a golf course beer and wine license. ***Committee recommends that Communication No. 08-421 be held in abeyance.***

**SECTION II**

Arthur “Tudo” Stagnoli, requesting permission to lift the 5-year limit on selling property purchased under adjacent landowner policy. ***Committee recommends that Communication No. 08-690 be referred to Planning Department for review and report back to Judiciary Committee.***

**SECTION III** **COMMUNICATION NO. 08-707**

Barb Skelton, requesting authorization for Chief Executive to sign resolution calling for an improved National Energy Policy for the 21<sup>st</sup> Century. ***Committee recommends that Communication No. 08-707 be referred to Chief Executive for his opinion and report back to Judiciary Committee.***

**SECTION IV**

**COUNCIL BILL NO. 08-7**  
**ORDINANCE NO.**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32.010(g), (m), (s) and (t) B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MILKY WAY; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MEADOWLARK LANE AND TRANQUILITY LANE. PROVIDING THAT TRAFFIC PROCEEDING ALONG

MEADOWLARK LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF MEADOWLARK LANE AND GALAXY DRIVE; PROVIDING THAT TRAFFIC PROCEEDING ALONG STATE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF STATE STREET AND SHERMAN STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG TRANQUILITY LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF TRANQUILITY LANE AND GALAXY DRIVE AND MEADOWLARK LANE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 08-7 be held in abeyance.*

**SECTION V**

**COUNCIL BILL NO. 08-8  
ORDINANCE NO.**

AN ORDINANCE AMENDING SUBSECTION 9.03 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32030(A) (b) (2), BSB MC; PROVIDING FOR DESIGNATION OF BLACKTAIL AS A THROUGH STREET FROM ITS INTERSECTION WITH ELIZABETH WARREN ON THE NORTH TO ITS INTERSECTION WITH MOUNT HIGHLAND DRIVE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill 08-8 be held in abeyance.*

**SECTION VI**

**COUNCIL BILL NO. 08-5  
ORDINANCE NO. 08-**

AN ORDINANCE AMENDING SECTION 2 OF THE BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 08-5, be placed on final reading and passed.*

**SECTION VII**

**COUNCIL BILL NO. 08-6  
ORDINANCE NO. 08-**

AN ORDINANCE AMENDING ORDINANCE NO. 479 AND CHAPTER 3.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “CONTRACT PURCHASES”; AMENDING SECTIONS 3.12.012 AND 3.12.030, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 3.12.013, B-SB MC AND ENTITLED “PURCHASE REQUIREMENTS”;

ADDING A NEW SECTION TO BE NUMBERED 3.12.014, B-SM MC AND ENTITLED “MISTAKES AND MINOR VARIATIONS IN BIDS AND OFFERS: AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*Committee recommends that Council Bill No. 08-6 be placed on final reading and passed.*

## **SECTION VIII**

## **CLAIM APPROVAL**

2404	Shane Nelson	\$125.00	ACT Class Refund
3371	Humana Health Care Plans	\$2,541.00	Refund/overpayment

*Committee recommends that all claims be approved for payment*



**SECTION VI****COMMUNICATION NO. 08-634**

Tony Schoonen, Chairman Homeowners Association, requesting Council designate the Dawson Loop Road as a Public Right of Way. *Committee recommends that Communication No. 08-634 be held in abeyance.*

**SECTION VII****COMMUNICATION NO. 08-636**

Joe Lee, Commissioner District #2, requesting traffic study/intersection of State and Sherman Streets. *Committee recommends that Communication No. 08-636 be held in abeyance.*

**SECTION VIII****COMMUNICATION NO. 08-694**

Martyn Salusso and Floyd Bossard, requesting permission to close gate ½ mile west of Excelsior and Centennial Junction during day hours for safety reasons and during night for security reasons and requesting time on 10/22/08 agenda to describe project and respond to questions. *Committee recommends that Communication No. 08-694 be held in abeyance.*